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10/672,596

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Lynn Holm-Blagg

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EXAMINER

GRAHAM, CLEMENT B

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/672,596	Applicant(s) HOLM-BLAGG, LYNN	
	Examiner Clement B. Graham	Art Unit 3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 05 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-25 remained pending.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 11, 14, 21, are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Applicant's claims are directed to an algorithm. Specifically, claims recites "receive", "incorporate" and "access" apply, however these steps are mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, for example) and abstract ideas without a practical application are found to be non-statutory subject matter. Therefore, Applicant's claims are non-statutory as they do not produce a useful, concrete and tangible result.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 11, 14, 21, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claims 1, 11, 14, 21, rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claims are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claims) must be in one sentence form only. Note the format of the claims in the patents) cited.

Claim Rejections - 35 USC § 112

6 The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1, 11, 14, 21, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, Claims 1, 11, 14, 21, recites the words [“ trigger and rule set ”].

However this language fails to distinctly claim Applicant's invention because the scope of the claim is unclear. Moreover the specification fails to clarify, the meaning of the limitation. Appropriate correction is required.

In particular, Claims 1, 11, 14, 21, recites states [“receiving a trigger and receiving a communication rule from a consumer and incorporate the communication rule into a communication rule set ”].

However this language fails to distinctly claim Applicant's invention because the scope of the claims is unclear because “how one would apply the rule set to information associated with financial account?----- and what is at least part in part of an application of the communication rule set? . Moreover the specification fails to clarify, the meaning of the limitation. Appropriate correction is required.

Claim Rejections - 35 USC § 102

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-25, are rejected under 35 U.S.C. 102(b) as being anticipated by Hilt et al(Herein Hilt U.S Patent 5, 465, 206).

As per claim 1 Hilt discloses a system for implementing consumer based communication rules in relation to a financial account, the system comprising:

a microprocessor based rule engine ("i. e, "payment network rules" see column 18 lines 45-52) and a computer readable medium, wherein the computer readable medium includes instructions executable by the microprocessor based rule engine to:
receive a trigger, wherein the trigger (see column 21 lines 1-6) indicates a correspondence associated with the financial account;
receive a communication rule from a consumer participant associated with the financial account;
incorporate the communication rule into a communication rule set maintained on the computer readable medium;
access information associated with the financial account;
apply the communication rule set to the information associated with the financial account, wherein a content of the correspondence is based at least in part on the application of the communication rule set. (Note Fig: 9 see column 18 lines 29-65 and column 21 lines 1-56 and column 10 lines 1-62).

As per claim 2 Hilt discloses wherein the financial account is part of an account group, wherein the communication rule is directed to a set of financial accounts from the account group, wherein the set of financial accounts is selected from a group consisting of: all accounts within the account group, a subset of accounts within the account group, and a single account within the account group. (see column 18 lines 29-65 and column 21 lines 1-56 and column 10 lines 1-62).

As per claim 3 Hilt discloses wherein the instructions are further executable by the microprocessor based rule engine to:
provide an output directed to one or more members associated with the account group, wherein the output includes the correspondence. (see column 18 lines 29-65 and column 21 lines 1-56 and column 10 lines 1-53).

As per claim 4 Hilt discloses wherein the output is an electronic communication. (see column 18 lines 29-65 and column 21 lines 1-56 and column 10 lines 1-53).

As per claim 5 Hilt discloses wherein the output is selected from a group consisting of: a paper letter, an insert, a presentation instrument carrier, and a message placed on

a statement. (Note Fig: 9 see column 18 lines 29-65 and column 21 lines 1-56 and column 10 lines 1-67).

As per claim 6 Hilt discloses wherein the participant is a first participant, wherein at least a second participant is also associated with the financial account, wherein the communication rule is received from the first participant, and wherein the instructions are further executable by the microprocessor based rule engine to: provide an output directed to the second participant, wherein includes the correspondence (Note Fig: 9 see column 18 lines 29-65 and column 21 lines 1-56 and column 10 lines 1-62) provide a set of canned messages, wherein the communication rule indicates one of the set of canned messages; and incorporate the canned message into the output. (Note Fig: 9 see column 18 lines 29-65 and column 21 lines 1-56 and column 10 lines 1-50).

As per claim 7 Hilt discloses wherein the participant is a first participant, wherein at least a second participant is also associated with the financial account, wherein the communication rule is received from the first participant, wherein the communication rule includes a message provided by the first participant, and wherein the instructions are further executable by the microprocessor based rule engine to: provide an output directed to the second participant, wherein the output includes the message provided by the first participant. (see column 18 lines 29-65 and column 21 lines 1-56).

As per claim 8 Hilt discloses wherein the first participant is a Senior party in an account group, wherein the second participant is a junior party in the account group, and wherein the financial account is part of the account group. (see column 18 lines 29-65 and column 21 lines 1-56 and column 10 lines 1-67).

As per claim 9 Hilt discloses wherein the communication rule indicates a communication preference. (Note Fig: 9 see column 18 lines 29-65 and column 21 lines 1-56 and column 10 lines 1-50).

As per claim 10 Hilt discloses wherein the communication preference is selected from a group consisting of: a graphical presentation, a textual presentation, a

summarized presentation, a multi-account presentation, and a message priority. (Note Fig: 9 see column 18 lines 29-65 and column 21 lines 1-56 and column 10 lines 1-65).

As per claim 11 Hilt discloses a method for implementing consumer based communication rules in relation to a financial account, the method comprising: receiving an indication of a financial account, wherein the indication identifies a consumer participant associated with the financial account; providing a communication rules interface to the consumer participant over a communication network; receiving a communication rule via the communication rules interface ("i. e., "payment network rules" see column 18 lines 45-52) receive a trigger, wherein the trigger(see column 21 lines 1-6) indicates a correspondence associated with the financial account; accessing information associated with the financial account; and applying the communication rule to the information associated with the financial account, wherein a content of the correspondence is based at least in part on the application of the communication rule. (Note Fig: 9 see column 18 lines 29-65 and column 21 lines 1-56 and column 10 lines 1-62).

As per claim 12 Hilt discloses wherein the participant is a first participant, wherein at least a second participant is also associated with the financial account, wherein the communication rule("i. e., "payment network rules" see column 18 lines 45-52) is received from the first participant, and wherein the method further comprises: providing an output directed to the second participant, wherein the output includes the correspondence, providing a set of canned messages, wherein the communication rule indicates one of the set of canned messages; and incorporating the canned message into the output. (Note Fig: 9 see column 18 lines 29-65 and column 21 lines 1-56).

As per claim 13 Hilt discloses wherein the communication rule includes a message provided by the participant, and wherein the method further comprises: providing an output directed to the participant, wherein the output includes the message provided by the participant. (Note Fig: 9 see column 18 lines 29-65 and column 21 lines

1-56 and column 10 lines 1-60).

As per claim 14 Hilt discloses a method for implementing consumer based communication rules in relation to an account group, the method comprising: receiving an indication of an account group, wherein the indication identifies a member of the account group, and wherein the account group includes at least a first financial account and a second financial account; providing a communication rules interface to the member over a communication network, receiving a communication rule via the communication rules interface; accessing information associated with the account group; and applying the communication rule to the information associated with the account group. (see column 18 lines 29-65 and column 21 lines 1-56 and column 10 lines 1-62).

As per claim 15 Hilt discloses wherein the method further includes generating an output directed to one or more members associated with the account group, wherein the output is based at least in part on the application of the communication rule to the information associated with the first financial account and the information associated with the second financial account. (Note Fig: 9 see column 18 lines 29-65 and column 21 lines 1-56 and column 10 lines 1-62).

As per claim 16 Hilt discloses wherein the output is selected from a group consisting of: an electronic communication, and a paper communication. (Note Fig: 9 see column 18 lines 29-65 and column 21 lines 1-56 and column 10 lines 1-62).

As per claim 17 Hilt discloses wherein at least a first member and a second member are associated with the account group, wherein the communication rule is received from the first member, wherein the output is directed to the second member, and wherein the method further comprises: providing a set of canned messages, wherein the communication rule indicates one of the set of canned messages; and incorporating the one of the canned message into the output. (Note Fig: 9 see column 18 lines 29-65 and column 21 lines 1-56).

As per claim 18 Hilt discloses wherein the combination of the first member and

the second member is selected from a group consisting of: a combination where the first member is a senior party and the second member is a junior party, a combination where the first member is a junior member and the second member is a senior member, and a combination where the first member and the second member are of equal status. (Note Fig: 9 see column 18 lines 29-65 and column 21 lines 1-56 and column 10 lines 1-60).

As per claim 19 Hilt discloses wherein the first financial account is a liability account, and wherein the second financial account is an asset account. (Note Fig: 9 see column 18 lines 29-65 and column 21 lines 1-56 and column 10 lines 1-62).

As per claim 20 Hilt discloses wherein the communication rule directs production of a comprehensive report about the account group. (Note Fig: 9 see column 18 lines 29-65 and column 21 lines 1-56 and column 10 lines 1-52).

As per claim 21, Hilt discloses a method, comprising: receiving, by a financial institution at which a consumer maintains an account, an indication from the consumer that a communication, from the financial institution and regarding the account, is to include content selected by the consumer;
receiving, from the consumer by the financial institution, an indication of what the consumer-selected content is to be;
including the consumer-selected content in the communication; and
sending the communication. (Note Fig: 9 see column 18 lines 29-65 and column 21 lines 1-56 and column 10 lines 1-52).

As per claim 22, Hilt discloses wherein the indication of what the consumer-selected content is to be comprises a selection by the consumer of a message from a set of canned messages.

As per claim 23, Hilt discloses wherein the indication of what the consumer-selected content is to be comprises composition by the consumer of the consumer-selected content. (Note Fig: 9 see column 18 lines 29-65 and column 21 lines 1-56 and column 10 lines 1-52).

As per claim 24 Hilt discloses wherein the consumer is one of at least two joint holders of the account, and wherein the consumer-selected content is directed from one

joint holder to at least one other joint holder. (Note Fig: 9 see column 18 lines 29-65 and column 21 lines 1-56 and column 10 lines 1-52).

As per claim 25 Hilt discloses wherein the consumer is a member of an account group, and wherein the communication is sent to at least one other member of the account group. (Note Fig: 9 see column 18 lines 29-65 and column 21 lines 1-56 and column 10 lines 1-52).

Conclusion

Response to Arguments

10. Applicant's arguments filed 10/5/2007 has been fully considered but they are not persuasive for the following reasons.

11. In response to Applicant's argument that Hilt fail to teach or suggest" a microprocessor based rule and a computer readable medium, wherein the computer readable medium includes instructions executable by the microprocessor based rule engine to, receive a trigger, wherein the trigger indicates a correspondence associated with the financial account receive a communication rule from a consumer participant associated with the financial account, incorporate the communication rule into a communication rule set maintained on the computer readable medium, access information associated with the financial account, apply the communication rule set to the information associated with the financial account, wherein a content of the correspondence is based at least in part on the application of the communication rule set" the examiner disagrees with Applicant's because these limitations were addressed as stated.

Hilt discloses a system for implementing consumer based communication rules in relation to a financial account, the system comprising:

a microprocessor based rule engine ("i. e, "payment network rules" see column 18 lines 45-52) and a computer readable medium, wherein the computer readable medium includes instructions executable by the microprocessor based rule engine to: receive a trigger, wherein the trigger (see column 21 lines 1-6) indicates a

correspondence associated with the financial account;
receive a communication rule from a consumer participant associated with the financial account;
incorporate the communication rule into a communication rule set maintained on the computer readable medium;
access information associated with the financial account;
apply the communication rule set to the information associated with the financial account, wherein a content of the correspondence is based at least in part on the application of the communication rule set. (Note Fig: 9 see column 18 lines 29-65 and column 21 lines 1-56 and column 10 lines 1-62).

Therefore it is inherently clear that Applicant's claimed limitations were addressed within the teachings of Hilt.

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number 571-272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

Dec 17, 2007


FRANTZY POINVIL
PRIMARY EXAMINER
Au 3692